

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

NICOLE PINEDO,

Plaintiff,

- against -

NETFLIX STUDIOS, LLC and JERRY MEDIA LLC

Defendants.

Docket No. 1:19-cv-7722

JURY TRIAL DEMANDED

**COMPLAINT**

Plaintiff Nicole Pinedo (“Pinedo” or “Plaintiff”) by and through his undersigned counsel, as and for his Complaint against Defendants Netflix Studios, LLC (“Netflix”) and Jerry Media LLC (“Jerry Media” and together with Netflix “Defendants”) hereby alleges as follows:

**NATURE OF THE ACTION**

1. This is an action for copyright infringement under Section 501 of the Copyright Act. This action arises out of Defendants’ unauthorized reproduction and public display of three copyrighted videos: one of a rapper Ja Rule, another of a magnises holiday party, and another of a magnises DC launch party, owned and registered by Pinedo. Accordingly, Pinedo seeks monetary relief under the Copyright Act of the United States, as amended, 17 U.S.C. § 101 *et seq.*

**JURISDICTION AND VENUE**

2. This claim arises under the Copyright Act, 17 U.S.C. § 101 *et seq.*, and this Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338(a).

3. Upon information and belief, this Court has personal jurisdiction over Defendants because Defendants resides and transacts business in New York and is registered with the New York Department of State Division of Corporations.

4. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b).

### **PARTIES**

5. Pinedo has a place of business at 4327 Ravensworth Road, #411, Annandale, Virginia 22003.

6. Upon information and belief, Netflix is a foreign limited liability company organized and existing under the laws of the State of Delaware, with a place of business at 245 West 17<sup>th</sup> Street, New York, New York 10011. Upon information and belief, Netflix is registered with the New York State Department of Corporations to do business in New York. At all times material hereto, Netflix has produced the document called “Fyre” a film about the Fyre Music Festival (the “Film”).

7. Upon information and belief, Jerry is a domestic limited liability company organized and existing under the laws of the State of Delaware, with a place of business at 495 Broadway, New York, New York 10012. At all times material hereto, Jerry has produced the document called “Fyre” a film about the Fyre music festival (the “Film”).

### **STATEMENT OF FACTS**

#### **A. Background and Plaintiff’s Ownership of the Videos**

8. Pinedo took videos of rapper Ja Rule, a magnises holiday party, and of a magnises DC launch party (the “Videos”).

9. Pinedo is the author of the Videos and has at all times been the sole owner of all right, title and interest in and to the Videos, including the copyright thereto.

10. The Videos were registered with United States Copyright Office and were given Copyright Registration Numbers PA 2-186-924, PA 2-184-271, PA 2-184-272.

**B. Defendants's Infringing Activities**

11. Defendants ran the Videos in the Film. Screenshots of the Videos in the film are attached hereto as Exhibit A.

12. Netflix did not license the Videos from Plaintiff for its Film, nor did Netflix have Plaintiff's permission or consent to publish the Videos on its Film.

**CLAIM FOR RELIEF**  
**(COPYRIGHT INFRINGEMENT AGAINST DEFENDANT)**  
**(17 U.S.C. §§ 106, 501)**

13. Plaintiff incorporates by reference each and every allegation contained in Paragraphs 1-12 above.

14. Netflix infringed Plaintiff's copyright in the Videos by reproducing and publicly displaying the Videos on the Film. Netflix is not, and has never been, licensed or otherwise authorized to reproduce, publically display, distribute and/or use the Videos.

15. The acts of Defendants complained of herein constitute infringement of Plaintiff's copyright and exclusive rights under copyright in violation of Sections 106 and 501 of the Copyright Act, 17 U.S.C. §§ 106 and 501.

16. Upon information and belief, the foregoing acts of infringement by Netflix have been willful, intentional, and purposeful, in disregard of and indifference to Plaintiff's rights.

17. As a direct and proximate cause of the infringement by the Defendants of Plaintiff's copyright and exclusive rights under copyright, Plaintiff is entitled to damages and Defendants's profits pursuant to 17 U.S.C. § 504(b) for the infringement.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff respectfully requests judgment as follows:

1. That Defendants Netflix be adjudged to have infringed upon Plaintiff's copyrights in the Videos in violation of 17 U.S.C §§ 106 and 501;
2. Defendants and its officers, agents, servants, employees, affiliated entities, and all of those in active concert with them, be preliminarily and permanently enjoined from committing the acts alleged herein violation of 17 USC 501;
3. That Plaintiff be awarded Plaintiff's actual damages and Defendants' profits, gains or advantages of any kind attributable to Defendants' infringement of Plaintiff's Videos;
4. That Defendants be required to account for all profits, income, receipts, or other benefits derived by Defendants as a result of its unlawful conduct;
5. That Plaintiff be awarded punitive damages for copyright infringement;
6. That Plaintiff be awarded attorney's fees and costs;
7. That Plaintiff be awarded pre-judgment interest; and
8. Such other and further relief as the Court may deem just and proper.

**DEMAND FOR JURY TRIAL**

Plaintiff hereby demands a trial by jury on all issues so triable in accordance with Federal Rule of Civil Procedure 38(b).

Dated: Valley Stream, New York  
August 18, 2019

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